

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCEDURES FOR CONFIRMING VOTER ELIGIBILITY WHEN AN ELECTOR HAS REQUESTED TO BE REGISTERED AS A PERMANENT ABSENTEE VOTER; PROVIDING A PROCEDURE FOR AN ELECTION ADMINISTRATOR TO RESOLVE A QUESTION ASSOCIATED WITH AN ABSENTEE BALLOT; AMENDING SECTIONS 13-13-212 AND 13-13-241, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-13-212, MCA, is amended to read:

"13-13-212. Application for absentee ballot -- special provisions. (1) (a) Except as provided in subsection (1)(b), an elector may apply for an absentee ballot by using a standardized form provided by rule by the secretary of state or by making a written request, which must include the applicant's birth date and must be signed by the applicant. The request must be submitted to the election administrator of the applicant's county of residence within the time period specified in 13-13-211.

(b) A person who holds a power of attorney from an absent uniformed services elector may apply for an absentee ballot for that election on behalf of the uniformed services elector. The applicant shall provide a copy of the power of attorney authorizing the request for an absentee ballot along with the application.

(2) (a) If an elector requests an absentee ballot because of a sudden illness or health emergency, the application for an absentee ballot may be made by written request signed by the elector at the time that the ballot is delivered in person by the special absentee election board provided for in 13-13-225.

(b) The elector may request by telephone, facsimile transmission, or other means to have a ballot and application personally delivered by the special absentee election board at the elector's place of confinement, hospitalization, or residence within the county.

(c) A request under this subsection (2) must be received by the election administrator within the time period specified in 13-13-211(2).

(3) An elector who has made a request for an absentee ballot by one of the methods provided in this section may, in the event of the death of a candidate after the primary election but before the general election,

1 make a request for a replacement ballot. The request for a replacement ballot may be made orally to the election
2 administrator.

3 (4) ~~(a)~~ When applying for an absentee ballot under this section, an elector may also request to be mailed
4 an absentee ballot, as soon as the ballot becomes available, for each subsequent election in which the elector
5 is eligible to vote or only for each subsequent federal election in which the elector is eligible to vote for as long
6 as the elector remains qualified to vote and resides at the address provided in the initial application.

7 ~~(b) The election administrator shall mail an address confirmation form in January and July of each year
8 to each elector who has requested an absentee ballot for subsequent elections. The address confirmation form
9 mailed in January is for elections to be held between February 1 following the mailing through July of the same
10 year, and the address confirmation form mailed in July is for elections to be held between August 1 following the
11 mailing through January of the succeeding year. The elector shall sign the form, indicate the address to which
12 the absentee ballot should be sent, and return the form to the election administrator. If the form is not completed
13 and returned, the election administrator shall remove the elector from the register of electors who have requested
14 an absentee ballot for each subsequent election.~~

15 ~~(e)~~(5) An elector who has been removed from the register of permanent absentee voters may
16 subsequently request to be mailed an absentee ballot for each subsequent election."
17

18 **Section 2.** Section 13-13-241, MCA, is amended to read:

19 **"13-13-241. Examination of absentee ballot return envelopes -- opportunity to resolve questions**
20 **-- deposit of absentee and unvoted ballots.** (1) (a) After an absentee ballot is received, an election
21 administrator shall compare the signature of the elector on the absentee ballot request with the signature on the
22 absentee ballot return envelope.

23 (b) If the elector is legally registered and the signature on the return envelope matches the signature on
24 the absentee ballot application, the election administrator or an election judge shall handle the ballot as a regular
25 ballot.

26 (c) (i) If the elector is provisionally registered and the signature on the return envelope matches the
27 signature on the absentee ballot application, the election administrator or an election judge shall open the outer
28 return envelope and determine whether the elector's voter identification information, if enclosed pursuant to
29 13-13-201, is sufficient pursuant to rules adopted under 13-2-109 to legally register the elector.

30 (ii) If the voter identification information is sufficient to legally register the elector, the ballot must be

1 handled as a regular ballot.

2 (iii) If voter identification information was not enclosed or the information enclosed is insufficient to legally
3 register the elector, the ballot must be handled as a provisional ballot under 13-15-107.

4 (2) (a) If the election administrator is unable to verify the elector's signature or has discovered a
5 procedural mistake made by the elector that would, if not corrected, invalidate the elector's ballot, the election
6 administrator shall notify the elector that the elector may appear in person at the election administrator's office
7 prior to 8 p.m. on election day and verify the signature or correct the mistake. The election administrator shall
8 provide the notification required under this subsection (2)(a) to the elector as soon as possible.

9 (b) An elector appearing pursuant to subsection (2)(a) must be permitted to:

10 (i) verify the elector's signature, after proof of identification, by affirming that the signature is in fact the
11 elector's or by completing a new registration card containing the elector's current signature;

12 (ii) correct any minor mistake if the correction would render the ballot valid; or

13 (iii) if necessary, request and receive a replacement ballot and vote it at that time.

14 (3) If a ballot provided to an elector who has registered as a permanent absentee voter is returned as
15 undeliverable, the election administrator shall investigate the reason for the return and mail a confirmation notice
16 to the elector. The notice must be sent by forwardable, first-class mail with a postage-paid, return-addressed
17 notice. If the confirmation notice is returned to the election administrator as undeliverable, the elector must be
18 placed on an inactive list until that elector becomes a qualified elector.

19 ~~(2)~~(4) If a voted absentee ballot has not been placed in a secrecy envelope, the election administrator
20 shall place the ballot in a secrecy envelope without examining the ballot.

21 ~~(3)~~(5) In a primary election, unvoted party ballots must be separated from the secrecy envelopes and
22 handled without being removed from their enclosure envelopes.

23 ~~(4)~~(6) If an elector's ballot is to be handled as a provisional ballot, the election administrator shall notify
24 the absentee elector by mail or by the most expedient method available under rules adopted by the secretary of
25 state that the elector's identification information was insufficient and that the elector's ballot will be treated as a
26 provisional ballot until the elector provides sufficient information, pursuant to rules adopted by the secretary of
27 state. If the elector is notified by mail, the election administrator shall provide a self-addressed return envelope
28 along with a description of the information necessary for the absentee elector to reclassify the provisional ballot
29 as a regular ballot.

30 ~~(5)~~(7) If the signature on the absentee ballot return envelope does not match the signature on the

absentee ballot request form, the absentee ballot must be rejected. The election administrator, without opening the absentee ballot return envelope, shall mark across it the reason for rejection. Unopened rejected absentee ballot return envelopes must be handled in the same manner as provided for rejected ballots in 13-15-108(1).

~~(6)(8)~~ After receiving an absentee ballot secrecy envelope, without opening the secrecy envelope, the election judges shall on election day place the secrecy envelope in the proper ballot box."

NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2009.

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